

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,
Defendants.

FILED
UNITED STATES DISTRICT COURT
MAY 1 2002
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69cv07941 JEC-ACE-SMA FF

RIO CHAMA STREAM SYSTEM
Rio Brazos, Section 7
Subfile No.: CHRB-001-0002

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

BRAZOS MUTUAL DOMESTIC WATER CONSUMERS ASSOC. INC.

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Brazos, Section 7, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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LEGAL SERVICES DIVISION

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Brazos, Section 7, is set forth below:

A. DOMESTIC & SANITATION (Groundwater & Surface Water Combined):

Office of the State Engineer Files No(s): RG-24272 ET AL.

Priority: Reserved for future determination by court order entered November 26, 2001.

Source of Water: RG-24272: Shallow Groundwater.

RG-24272-S-2: Shallow Groundwater.

RG-24272-S INFILTRATION GALLERY: Surface water of the Fall's Creek (aka Teed Creek), a tributary of the Rio Brazos, a tributary of the Rio Chama.

Purpose of Use: DOMESTIC, SANITARY AND RELATED

Point of Diversion:

Ditch Name: RG-24272-S INFILTRATION GALLERY

Location X: 1,586,916 feet **Y:** 2,091,486 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Well No.: RG-24272 **Location X:** 1,584,253 feet **Y:** 2,090,576 feet

Well No.: RG-24272-S-2 **Location X:** 1,584,818 feet **Y:** 2,090,320 feet

Place of Use:

Members of the Brazos Water Cooperative

Amount of Water Reserved for future determination by court order entered November 26, 2001.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Brazos, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.

6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Brazos, Section 7, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Brazos, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.


John Edward Conroy
UNITED STATES DISTRICT JUDGE

Recommended for approval:


Vickie L. Kastri
SPECIAL MASTER

ACCEPTED: James T. McMillan
BRAZOS MUTUAL DOMESTIC WATER
CONSUMERS ASSOC. INC.

ADDRESS: 1521 CERRO VISTA Rd. S.W.
ALBUQUERQUE, N.M. 87105

DATE: 08 April 2002

Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General

4.10.02
Date